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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,662	07/13/2001	Klaus Titzschkau	14506	2238
7590	04/05/2004		EXAMINER	
Scully Scott Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			RAJGURU, UMAKANT K	
			ART UNIT	PAPER NUMBER

1711

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/807,662

**Applicant(s)**

TITZSCHKAU, K

**Examiner**

Umakant K. Rajguru

**Art Unit**

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7, 8 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 8 & 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. A response has been filed on December 19, 2003.
2. Claims under examination are 7, 8 & 13.
3. Rejection of claims 7 & 13 under 35 USC 112, 2<sup>nd</sup> paragraph (see item 4 of Office action of June 13, 2003) is now withdrawn.

Also withdrawn are rejections of claims 7 & 13 (2 & 3 having been cancelled) under 35 USC 102(b) and 103(a) (see items 6 & 7 of same Office action) and that of claim 8 (claim 11 having been cancelled) (see item 9).

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 7, 8, & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hermann et al (US 3477986) in view of Watanabe et al (US 5266618), Gijsman . (EP 390277), Lee (US 3865792) and Rody et al (US 4299926)

Hermann discloses polyimides stabilized with a copper compound and a phosphonium halide (abstract). Polyamides include polycaprolactum (col. 4, lines 16-17). Suitable copper compounds are listed in col. 2, line 71 to col. 3, line 6. Suitable halogen-containing aromatic compounds are given in col. 2, lines 23-63.

Hermann does not mention specific compounds of above claims. Watanabe discloses resin composition. One suitable resin is a polyamide (col. 3, line 19). A phosphorus compound such as tris(tri-bromoneopentyl ) phosphate (of instant claim 4) is used (col. 5, lines 34-35).

Gijsman discloses polyamide composition containing a halogen substituted organic compound . Such compounds are halogen-substituted epoxy and styrene oligomers or polymers (p. 2, lines 20-24).

Lee discloses polyamide copolymers. In col. 12, line 12, chloroparaffins are disclosed as an additive for flameproofing .

Rody discloses light stabilizers for plastics. Organic phosphites are used as one of suitable stabilizers (col. 63, lines 41-44).

Therefore it would have been obvious to add to the moldings of Herman, (a) phosphates of Watanabe for imparting flame retardancy and impact strength, (b) halogen substituted compound of Gijsman for stabilization, (c) chloroparaffin of Lee to enhance flame retardancy and (d) organic phosphites of Rody to impart synergistic effect in stabilization.

It is noted here that the prior art is silent about use of master batch processing. Nonetheless since such a step in processing is well-known in the art, it would have been obvious to use this procedure in order to control precisely the addition of small amounts of copper salt/s and organic halogen-containing compound/s.

Applicant on page 6 (of response of December 19, 2003) states that "Watanabe does not teach 100% non-polycarbonate polymer". This is true. What is also true is that Watanabe, being a secondary reference, does not have to teach that. Watanabe is relied upon solely for its teaching of use of phosphorous compound.

Likewise Rody, another secondary reference is relied upon solely for its teaching of use of phosphites as stabilizer. Applicant's comment about Rody (on page 6) is not

persuasive because the light stabilizer of Rody is quite likely to function as a heat-stabilizer also.

Applicant's comments about Gijsman & Lee are not persuasive for similar reasons.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru, whose telephone number is (571) 272-1077. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone

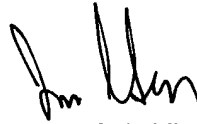
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number for the organization where this application or proceeding is assigned is (703)

872-9306.



U. K. Rajguru/af  
March 30, 2004



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700